

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:) CASE NO: 10-54226-659 Chapter 13
SHAWN P BROWN)
) Trustee's Objection to Confirmation
)
) Original confirmation hearing
Debtor(s)) set for Mar 03, 2011 11:00 AM

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW John V. LaBarge, Jr., Standing Chapter 13 Trustee, and for his objection to confirmation states as follows:

1. Proposed plan payment does not constitute debtor's best effort to repay creditors. 11 U.S.C. Secs. 1325(a)(3) & (b)(1)(B)
2. The plan unfairly discriminates among classes of unsecured claims. 11 U.S.C. Sec. 1322(b)(1)
3. The plan does not provide sufficient funds to pay all creditors entitled to full payment, including fair market value of secured claims and priority debts. 11 USC Secs. 1322(a)(2) & 1325(a)(5)(B)(ii)
4. The plan provides for interest to secured creditors at a rate other than that determined by the Clerk under Local Rule 3015-3(E).
5. The set monthly payments to be made by the Trustee exceed the plan payment.
6. The plan is ambiguous or incapable of ascertainment (11 U.S.C. Secs. 1321 & 1325(a)(3)) because:
PLAN FAILS TO ADDRESS POST PETITION PAYMENTS ON MORTGAGES AND CONTAINS INSUFFICIENT FUNDS TO PAY THESE DEBTS IN FULL. IF DEBTOR INTENDS TO SURRENDER RESIDENCE, PLAN MUST SO INDICATE.
7. A.RE #2, SCHEDULE E IMPROPERLY INCLUDES STUDENT LOAN, WHICH IS UNSECURED DEBT.
B.RE #1 PER TRUSTEE B22C, ENCLOSED WITH HARD COPY OF OBJECTION, PLAN MUST GUARANTEE \$66,012

WHEREFORE the Trustee prays the Court enter its order denying confirmation of the proposed plan.

/s/ John V. LaBarge, Jr.

KLW-351

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